UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,499	06/19/2001	Simon Qin	83336.0001	4469

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EXAMINER
BONZO, BRYCE P

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
	09/885,499		QIN ET AL.
	Examiner		Art Unit
	Bryce P Bonzo		2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 June 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-20 are rejected under 35 USC §102.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Uemura

et al. (United States Patent No. 5,720,026).

As per claim 1, Uemura discloses:

A backup system, which is installed in a computer system having a first; type

data and a second type data stored therein said first type data and said second type

data being capable of changed respectively, said backup system comprising:

a selecting module for selecting a first predetermined mode in accordance with

said first type data and selecting a second predetermined mode in accordance with said

second type data (Figure 11); and

a processing module coupled to said selecting module for processing said first type data and said second type data (Figure 1), wherein

said processing module backs up valid data being changed within said first type data while said first predetermined mode is selected by said selecting module (column 5, lines 21-33), and

said processing module backs up all valid data within said second type data while said second predetermined mode is selected by said selecting module (column 4, lines 33-37).

As per claim 2, Uemura discloses:

The backup system according to claim 1, wherein said first type data includes temporary data, and said second type data includes perpetual data needed to be preserved over a long period of time (Abstract).

As per claim 3, Uemura discloses:

The backup system according to claim 1, wherein said processing module executes a backup program (column 6, lines 11-43).

As per claim 4, Uemura discloses:

The backup system according to claim 1, wherein said first type data is stored into a first data storage space of said computer system (column 7, lines 21-34).

As per claim 5, Uemura discloses:

The backup system according to claim 4, wherein the size of said first data storage space is variable (column 6, line 61 through column 7, lines 14).

As per claim 6, Uemura discloses:

The backup system according to claim 1, wherein said second type data is stored into a second data storage space of said computer system (column 6, lines 61 through column 7, line 17).

As per claim 7, Uemura discloses:

The backup system according to claim 6, wherein the size of said second data storage space is variable (column 6, lines 61 through column 7, line 17).

As per claim 8, Uemura discloses:

The backup system according to claim 1, wherein said first type data is stored into a first variable data storage space in said computer system, and said second type data is stored into a second variable data storage space in said computer system, said first variable data storage space and said second variable data storage space being adjustable in size and proportion (column 6, lines 61 through column 7, line 17).

As per claim 9, Uemura discloses:

A backup method, suitable for a computer system including a temporary type data and a perpetual type data stored therein, said temporary type data and said perpetual type data being capable of changed respectively, said backup method comprising the steps of:

selecting a first process mode in accordance with said temporary type data (column 5, lines 21-33); and

backing up valid data being changed within said temporary type data according to said first process mode (column 5, lines 21-33).

As per claim 10, Uemura discloses:

The backup method according to claim 9, further comprising the step of storing said temporary type data in a first backup space of said computer system, wherein said first backup space is variable and adjustable (column 6, lines 61 through column 7, line 17).

As per claim 11, Uemura discloses:

The backup method according to claim 9, wherein a second process mode is selected in accordance with said perpetual type data, all valid data within said perpetual type data being backed up in accordance with said second process mode (column 6, lines 61 through column 7, line 17).

As per claim 12, Uemura discloses:

The backup method according to claim 11, further comprising the step of storing said perpetual type data in a second backup space of said computer system, said second backup space being variable and adjustable (column 6, lines 61 through column 7, line 17).

As per claim 13, Uemura discloses:

The backup method according to claim 9, wherein said temporary type data is stored in a first backup space of said computer system, said perpetual type data is stored in a second backup space of said computer system, said first backup space and said second backup space are variable and. adjustable, and said first and second backup space together constitute a total backup space (column 6, lines 61 through column 7, line 17).

As per claim 14, Uemura discloses:

The backup method according to claim 13, wherein said total backup space is variable and adjustable in size and proportion for said first backup space and said second backup space (column 6, lines 61 through column 7, line 17).

As per claim 15, Uemura discloses:

A backup method, suitable for a computer system including a temporary type data and a perpetual type data stored therein, said temporary type data and said

perpetual type data being capable of changed respectively, said backup method comprising the steps of:

selecting a first process mode in accordance with said perpetual type data (column 5, lines 21-33); and

backing up valid data being changed within said perpetual type data according to said first process mode (column 5, lines 21-33).

As per claim 16, Uemura discloses:

The backup method according to claim 15, further comprising the step of storing said perpetual type data in a first backup space of said computer system, wherein said first backup space is variable and adjustable (column 6, lines 61 through column 7, line 17).

As per claim 17, Uemura discloses:

The backup method according to claim 15, wherein a second process mode is selected in accordance with said temporary type data, all valid data within said temporary type data being backed up in accordance with said second process mode (column 6, lines 61 through column 7, line 17).

As per claim 18, Uemura discloses:

The backup method according to claim 17, further comprising the step of storing said temporary type data in a second backup space of said computer system, said

second backup space being variable and adjustable (column 6, lines 61 through column 7, line 17).

As per claim 19, Uemura discloses:

The backup method according to claim 15, wherein said perpetual type data is stored in a first backup space of said computer system, said temporary type data is stored in a second backup space of said computer system, said first backup space and said second backup space are variable and. adjustable, and said first and second backup space together constitute a total backup space (column 6, lines 61 through column 7, line 17).

As per claim 20, Uemura discloses:

The backup method according to claim 19, wherein said total backup space is variable and adjustable in size and proportion for said first backup space and said second backup space (column 6, lines 61 through column 7, line 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on weekdays from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703) 305-9713. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.